

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

KITTY GRAHAM

Plaintiff,

vs.

**THE COLONIAL BANCGROUP, INC.
and COLONIAL BANK, N.A.,**

Defendants.

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**CIVIL ACTION NO.:
2:06CV270-WKW**

DRB Magistrate Judge Assigned

**DEFENDANTS' MOTION TO SUBMIT RESPONSE TO PLAINTIFF'S OBJECTIONS
TO REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE (DOC. No. 31)**

COME NOW Defendants The Colonial BancGroup, Inc. and Colonial Bank, N.A. (collectively, "Colonial") and respectfully request the Court's permission to submit on or before January 9, 2007 a memorandum in reply to Plaintiff Kitty Graham's Response in Objection to the Report and Recommendation of the Magistrate Judge (Doc. No. 31).

In support of this motion, Colonial States as follows:

1. On January 18, 2005, Colonial eliminated Plaintiff's position as Platform Annuity Agent Trainer and terminated her employment pursuant to a comprehensive reorganization of its Wealth Management division.

2. On March 24, 2006, Plaintiff Kitty Graham commenced this action against Colonial, alleging that Colonial discriminated against her by terminating her employment on the basis of sex and age in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*, and the Age Discrimination in Employment Act of 1967, 29 U.S.C. § 671, *et seq.*¹

¹ Although Plaintiff purports to be proceeding *pro se*, she was represented by counsel before the EEOC. Furthermore, the pleadings and briefs she has filed in this action strongly indicate that she has proceeded with the benefit of legal counsel in this action.

3. On August 21, 2006, Colonial filed its Motion for Summary Judgment on all of Plaintiff's claims. (Doc. no. 16). Thereafter, the parties submitted their respective briefs.

4. On December 15, 2006, Magistrate Judge Delores Boyd issued her Report and Recommendation to the District Court, recommending that the Court grant Colonial's summary judgment motion and enter judgment in its favor on all of Plaintiff's claims. (Doc. No. 29).

5. On December 29, 2006, Plaintiff Graham submitted her Response in Objection to the Report and Recommendation of the Magistrate Judge (Doc. No. 31).

6. Accordingly, Colonial respectfully requests the Court's permission to submit a memorandum in reply to Plaintiff's Objections on or before Tuesday, January 9, 2007.

Respectfully submitted this 3rd day of January, 2007.

/s/Christopher W. Weller
Christopher W. Weller (WEL030)
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**THE COLONIAL BANCGROUP, INC. &
COLONIAL BANK, N.A.**
David B. Byrne, Jr. (ASB-0354-R69D)
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Montgomery, Alabama 36104

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon counsel of record *via*
U.S. Mail:

Kitty Graham, Pro Se
P.O. Box 240597
Eclectic, Alabama 36024

DONE this the 3rd day of January, 2007.

/s/Christopher W. Weller
Of Counsel